IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1322 OF 2006
IN
SUIT NO.1255 OF 2006

M.Ramakrishna @ Isak Josna. ..Plaintiff.

V/s.

Nitin Kumar D. Rane & Anr. ..Defendants.

Ms.Indrayani Koparkar i/b. M.V.Koparkar for plaintiff.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 20, 2007.

P.C. :

1. None appears for the defendants, when the matter is called. Having gone through the pleadings relevant for considering prayer for amendment of the plaint in the interest of justice, I am inclined to allow the Chamber Summons in terms of prayer clause (a). Granting of amendment does not mean expression of opinion one way or the other on the merits of the claims of both the parties. Those questions will have to be considered in the main proceeding. Presumably, the objection of the defendants to the proposed amendment is that new cause of action is made out. It is not possible to accept this objection. Relevant facts are already on record. The purpose of amendment is to ask for further relief

in terms of alternative prayer reproduced in the Schedule, on the basis of the same facts, which are already on record.

2. Accordingly, this Chamber Summons is made absolute in terms of prayer clause (a) on the above terms. No order as to costs.

3. Amendment to be carried out within four weeks from today.